

REMARKS

Claims 1 to 36 are pending, and have been restricted under 35 U.S.C. § 121 into the following seven groups:

Group I : Claims 1 to 4, directed to methods of identifying an agent for treating Crohn's disease;

Group II : Claims 5 to 10, directed to methods of preventing or treating Crohn's disease with an agent such as antibiotics;

Group III : Claims 11 to 21, directed to methods of preventing or treating Crohn's disease with vaccines;

Group IV : Claims 22 to 25, directed to methods of preventing or treating Crohn's disease with an agent that reduces the activity of pbrA;

Group V : Claims 26 to 30, directed to methods of preventing or treating Crohn's disease with an agent that reduces the activity of PFTR;

Group VI : Claims 31 to 33, directed to methods of diagnosing Crohn's disease by detecting pbrA, and

Group VII : Claims 34 to 36, directed to methods of diagnosing Crohn's disease by detecting PFTR.

Applicant traverses the restriction requirement for the reasons stated below. Nevertheless, in order to be responsive to the Office Action, Applicant elects the invention of Group VI, claims 31 to 33, directed to methods of diagnosing Crohn's disease by detecting pbrA, for examination. Applicant reserves the right to pursue prosecution of non-elected subject matter in one or more related applications that claim the benefit of priority to the subject application.

Applicant respectfully traverses the restriction requirement with respect to the division of the claims of elected Group VI from those of Group IV. Applicant submits that while the claims of Group VI are patentably distinct from those of Group IV, a thorough search of Group VI claims will identify art relevant to Group IV. In particular, a thorough search of methods of diagnosing Crohn's disease by detecting pbrA (Group VI) will identify literature relating in general to the role of pbrA in Crohn's disease and the effect of modulating pbrA in this disease, and more specifically to methods of preventing or treating Crohn's disease with an agent that reduces the activity of pbrA (Group IV). For this reason, Applicant submits that search and examination of the claims of Groups VI and IV together would not impose an undue burden on the Examiner.

CONCLUSION

In view of the above remarks, Applicant elects the claims of Group VI (claims 31 to 33) and requests that the Examiner reconsider the restriction requirement and examine the claims of Group IV together with those of elected Group VI. Should the Examiner have any questions, he is invited to call the undersigned agent.

Respectfully submitted,

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